UNITED STATES PATENT AND TRADEMARK OFFICE

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10/695,637	10/27/2003	Cheryl Phillips	34250-1221	5379

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EXAMINER
OYEBISI, OJO O

ART UNIT	PAPER NUMBER
3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/695,637	PHILLIPS ET AL.
	Examiner	**Art Unit**	
	OJO O. OYEBISI	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 July 2007</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-61</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-61</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>10/27/03</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>07/06/07, 01/27/06, 05/12/06, 10/16/06, 05/27/04</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Goeller

et al (Goeller hereinafter, US PUB No.: 2002/0178112).

Re claim 1. Goeller discloses a system for processing an accounts receivable check

transaction involving a merchant (see the abstract), comprising: a location-base device

associated with the merchant wherein the location-base device facilitates a conversion

of the accounts receivable check to a corresponding electronic file without having the

merchant determine whether or not the accounts receivable check is eligible for

subsequent electronic processing and wherein the electronic file includes a tag that

indicates the type of the accounts receivable check (see paras 0012, also see

"conversion only" paras 0040, also see paras 0057); and a check processing service

communicationally linked to the location-base device to receive from the location-base

device the electronic file wherein the check processing service processes the electronic

file in two or more different manners depending on the type of the accounts receivable

check as indicated by the tag (see pars 0040, also see paras 0057)(see paras 0042-

0043).

Re claim 2. Goeller further discloses the system of claim 1, wherein the location-base

device comprises a point-of-sale device (see the abstract).

Re claim 3. Goeller further discloses the system of claim 2, wherein the point of sale

device is configured to prompt the merchant to scan a plurality of accounts receivable

checks without having to determine whether the checks are electronically processable

(see paras 0043, also see 0115)

Re claim 4. Goeller further discloses the system of claim 3, wherein the check

processing service's two or more manners of processing the electronic file includes

electronic processing of the electronic file via an automated clearing house for checks

that are eligible for the subsequent electronic processing (see paras 0040).

Re claim 5. Goeller further discloses the system of claim 3, wherein the check

processing service's two or more manners of processing the electronic file includes

printing an image associated with the accounts receivable check from the electronic file

and subsequently processing the printed image via a federal clearing house for checks

that are not eligible for the subsequent electronic processing (see paras 0057)

Re claim 6. Goeller further discloses the system of claim 1, wherein the check

processing service's processing of the electronic file further comprises a determination

of whether to authorize or decline the check transaction (see paras 0057).

Re claim 7. Goeller further discloses the system of claim 6, wherein determining

whether to authorize or decline the check transaction includes performing a risk

assessment of the check transaction (see paras 0058 and 0070)

Re claim 8. Goeller further discloses the system of claim 6, wherein determining

whether to authorize or decline the check transaction depends at least to some degree

on a level of service subscribed by the merchant wherein the level of service includes

the check processing service guaranteeing or purchasing check transactions it

authorizes thereby assuming at least some of the risk associated with the check

transaction (see paras 0070).

Re claim 9. Goeller further discloses a method for processing a check transaction

involving a merchant, the method comprising: processing a check via a location-base

device associated with the merchant (see the abstract) without having the merchant

determine whether the check is eligible for subsequent electronic processing wherein

the location-base device converts the check to an electronic file (see paras 0012, also

see "conversion only" paras 0040, also see paras 0057); and processing the electronic

file in a selected manner depending on the type of the check associated with the

electronic file thereby allowing an accounts receivable check to be converted to a

corresponding electronic file whether or not that accounts receivable check can be

subsequently processed electronically (see pars 0040, also see paras 0057)(see paras

0042-0043).

Re claim 10. Goeller further discloses the method of claim 9, wherein the location-base

device comprises a point-of-sale device (see abstract)

Re claim 11. Goeller further discloses the method of claim 10, wherein the conversion

of the accounts receivable check comprises scanning of at least a portion of the

accounts receivable check (see paras 0043, also see 0115).

Re claim 12. Goeller further discloses the method of claim 11, wherein the conversion

of the accounts receivable check further comprises prompting for and obtaining

information from the merchant to facilitate the subsequent processing of the accounts

receivable check (see the abstract).

Re claim 13. Goeller further discloses the method of claim 12, wherein the information

includes the type of the accounts receivable check to thereby allow the corresponding

electronic file to be tagged accordingly (see paras 0057).

Re claim 14. Goeller further discloses the method of claim 9, wherein processing of the

electronic file comprises transferring the electronic file from the location-base device to

a check processing service configured to process check transactions (see paras 0040)

Re claim 15. Goeller further discloses the method of claim 14, wherein the selected manner of processing the electronic file comprises the check processing service processing the electronic file electronically via an automated clearing house for checks that are eligible for the subsequent electronic processing (see paras 0040).

Re claim 16. Goeller further discloses the method of claim 14, wherein the selected manner of processing the electronic file comprises the check processing service printing an image associated with the accounts receivable check from the electronic file and subsequently processing the printed image via a federal clearing house for checks that are not eligible for the subsequent electronic processing (see paras 0057).

Re claim 17. Goeller further discloses the method of claim 14, wherein the check processing service's processing of the electronic file further comprises a determination of whether to authorize or decline the check transaction (see paras 0057)

Re claim 18. Goeller further discloses the method of claim 17, wherein determining whether to authorize or decline the check transaction includes performing a risk assessment of the check transaction (see paras 0058 and 0070)

Re claim 19. Goeller further discloses the method of claim 18, wherein the risk

assessment includes a determination of a risk score associated with the check

transaction (i.e., risk models, see paras 0070-0071).

Re claim 20. Goeller further discloses the method of claim 17, wherein determining

whether to authorize or decline the check transaction depends at least to some degree

on a level of service subscribed by the merchant (see paras 0071).

Re claim 21. Goeller further discloses the method of claim 20, wherein the level of

service includes the check processing service guaranteeing or purchasing check

transactions it authorizes thereby assuming at least some of the risk associated with the

check transaction (see paras 0070)

Re claim 22. Claim 22 recites similar limitations to claim 1 and thus rejected using the

same art and rationale as in claim 1 supra.

Re claim 23. Goeller further discloses the system of claim 22, wherein the financial

transaction comprises a check transaction (see the abstract).

Re claim 24. Goeller further discloses the system of claim 23, wherein the location-

base device comprises a point-of-sale device (see the abstract).

Re claim 25. Goeller further discloses the system of claim 24, wherein the conversion of an accounts receivable check comprises scanning of at least a portion of the accounts receivable check (see paras 0043, also see 0115).

Re claim 26. Goeller further discloses the system of claim 25, wherein the conversion of the accounts receivable check further comprises prompting for and obtaining information from the merchant to facilitate the subsequent processing of the accounts receivable check (see paras 0044, also see the abstract).

Re claim 27. Goeller further discloses the system of claim 26, wherein the information includes the type of the accounts receivable check to thereby allow the corresponding electronic file to be tagged accordingly (see paras 0057).

Re claim 28. Goeller further discloses the system of claim 22, wherein the processing service is communicationally linked to the location-base device to allow transfer of the electronic file for further processing (see pars 0040, also see paras 0057).

Re claim 29. Goeller further discloses the system of claim 28, wherein the selected manner of processing the electronic file comprises the processing service processing the electronic file electronically via an automated clearing house for payments that can be processed subsequently in an electronic manner (see paras 0040).

Re claim 30. Goeller further discloses the system of claim 28, wherein the selected

manner of processing the electronic file comprises the processing service generating a

printed document associated with the payment from the electronic file and subsequently

processing the printed document via a federal clearing house for payments that cannot

be processed subsequently in an electronic manner (see paras 0057).

Re claim 31. Goeller further discloses the system of claim 28, wherein the processing

service further determines whether to authorize or decline the financial transaction (see

paras 0057)

Re claim 32. Goeller further discloses the system of claim 31, wherein determining

whether to authorize or decline the financial transaction includes performing a risk

assessment of the financial transaction (see paras 0058 and 0070)

Re claim 33. Goeller further discloses the system of claim 32, wherein the risk

assessment includes a determination of a risk score associated with the financial

transaction (i.e., risk models, see paras 0070-0071).

Re claim 34. Goeller further discloses the system of claim 31, wherein determining

whether to authorize or decline the financial transaction depends at least to some

degree on a level of service subscribed by the merchant (see paras 0070).

Re claim 35. Goeller further discloses the system of claim 34, wherein the level of service includes the processing service guaranteeing or purchasing financial transactions it authorizes thereby assuming at least some of the risk associated with the financial transaction (see paras 0058-0059).

Re claim 36. Goeller further discloses a method for processing a financial transaction involving a merchant, the method comprising: processing a payment via a location-base device associated with the merchant (see the abstract) without having the merchant determine whether the payment can be processed subsequently in an electronic manner wherein the location-base device converts the payment to an electronic file (see paras 0012, also see "conversion only" paras 0040, also see paras 0057); and processing the electronic file in a selected manner depending on the type of the payment associated with the electronic file thereby allowing an accounts receivable payment to be converted to a corresponding electronic file whether or not that accounts receivable payment can be subsequently processed electronically (see pars 0040, also see paras 0057)(see paras 0042-0043).

Re claim 37. Goeller further discloses the method of claim 36, wherein the financial transaction comprises a check transaction (see the abstract).

Re claim 38. Goeller further discloses the method of claim 37, wherein the location-base device comprises a point-of-sale device (see fig.1, also see the abstract).

Re claim 39. Goeller further discloses the method of claim 38, wherein the conversion

of an accounts receivable check comprises scanning of at least a portion of the

accounts receivable check (see paras 0043, also see 0115).

Re claim 40. Goeller further discloses the method of claim 39, wherein the conversion

of the accounts receivable check further comprises prompting for and obtaining

information from the merchant to facilitate the subsequent processing of the accounts

receivable check (see the abstract)

Re claim 41. Goeller further discloses the method of claim 40, wherein the information

includes the type of the accounts receivable check to thereby allow the corresponding

electronic file to be tagged accordingly (see paras 0057)

Re claim 42. Goeller further discloses the method of claim 36, wherein processing the

electronic file comprises transferring the electronic file from the location-base device to

a processing service that is configured to process financial transactions (see paras

0040).

Re claim 43. Goeller further discloses the method of claim 42, wherein the selected

manner of processing the electronic file comprises the processing service processing

the electronic file electronically via an automated clearing house for payments that can

be processed subsequently in an electronic manner (see paras 0040).

Re claim 44. Goeller further discloses the method of claim 42, wherein the selected

manner of processing the electronic file comprises the processing service generating a

printed document associated with the payment from the electronic file and subsequently

processing the printed document via a federal clearing house for payments that cannot

be processed subsequently in an electronic manner (see paras 0057).

Re claim 45. Goeller further discloses the method of claim 42, wherein processing the

electronic file further comprises the processing service determining whether to authorize

or decline the financial transaction (see paras 0057)

Re claim 46. Goeller further discloses the method of claim 45, wherein determining

whether to authorize or decline the financial transaction includes performing a risk

assessment of the financial transaction (see paras 0058 and 0070).

Re claim 47. Goeller further discloses the method of claim 46, wherein the risk

assessment includes a determination of a risk score associated with the financial

transaction (see paras 0070-0071).

Re claim 48. Goeller further discloses the method of claim 45, wherein determining

whether to authorize or decline the financial transaction depends at least to some

degree on a level of service subscribed by the merchant (see paras 0071).

Re claim 49. Goeller further discloses the method of claim 48, wherein the level of service includes the processing service guaranteeing or purchasing financial transactions it authorizes thereby assuming at least some of the risk associated with the financial transaction (see paras 0070).

Re claim 50. Goeller further discloses a system for performing a financial transaction, comprising: a first means for converting a payment into an electronic file (see paras 0012, also see "conversion only" paras 0040, also see paras 0057, also see fig.5 element 318); and a second means for selectively processing the electronic file to allow an accounts receivable payment to be converted to a corresponding electronic file whether or not that accounts receivable payment can be subsequently processed electronically (see pars 0040, also see paras 0057)(see paras 0042-0043).

Re claim 51. Goeller further discloses the system of claim 50, wherein the financial transaction comprises a check transaction (see the abstract).

Re claim 52. Goeller further discloses the system of claim 51, wherein the first means includes use of a location-base device to convert an accounts receivable check to its corresponding electronic file (see pars 0040, also see paras 0057)

Re claim 53. Goeller further discloses the system of claim 52, wherein the first means further comprises obtaining information to facilitate the subsequent processing of the accounts receivable check (see paras 0042).

Re claim 54. Goeller further discloses the system of claim 50, wherein the second means includes a transfer of the electronic file from a location-base device to a processing service that is configured to process financial transactions (see paras 0040)

Re claim 55. Goeller further discloses the system of claim 54, wherein the second means includes processing the electronic file electronically via an automated clearing house for payments that can be processed subsequently in an electronic manner (see paras 0040).

Re claim 56. Goeller further discloses the system of claim 54, wherein the second means includes generating a printed document associated with the payment from the electronic file and subsequently processing the printed document via a federal clearing house for payments that cannot be processed subsequently in an electronic manner (see paras 0057).

Re claim 57. Goeller further discloses the system of claim 54, wherein the second means further determines whether to authorize or decline the financial transaction (see paras 0057).

Re claim 58. Goeller further discloses the system of claim 57, wherein determining

whether to authorize or decline the financial transaction includes performing a risk

assessment of the financial transaction (see paras 0058, also see paras 0070)

Re claim 59. Goeller further discloses the system of claim 58, wherein the risk

assessment includes a determination of a risk score associated with the financial

transaction (see paras 0070-0071).

Re claim 60. Goeller further discloses the system of claim 57, wherein determining

whether to authorize or decline the financial transaction depends at least to some

degree on a level of service subscribed by the merchant (see paras 0071)

Re claim 61. Goeller further discloses the system of claim 60, wherein the level of

service includes the processing service guaranteeing or purchasing financial

transactions it authorizes thereby assuming at least some of the risk associated with the

financial transaction (see paras 0070).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-

8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/OJO O OYEBISI/
Examiner, Art Unit 3696